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## Letter dated 28 September 2006 from the Permanent Representatives of Australia and Indonesia to the United Nations addressed to the Secretary-General

We have the honour to submit to you the attached document, entitled "Bali Process Steering Group Co-Chairs — Australia and Indonesia — contribution to the High-level Dialogue on International Migration and Development" (see annex).

The document was officially launched and circulated during a panel discussion convened jointly on 13 September 2006 by the Permanent Missions of Australia and Indonesia as a side event to the United Nations High-Level Dialogue on International Migration and Development, held on 14 and 15 September 2006.

The side event, entitled "The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime: a regional consultative process in the Asia-Pacific and beyond", was co-chaired by Lydia Morton, Australian Ambassador for People Smuggling Issues, and Rezlan Ishar Jenie, Indonesian Ambassador and Permanent Representative to the United Nations. The event was attended by ministers, senior officials, and Member State delegations, as well as representatives of relevant international and non-governmental organizations.

Given the important role of regional consultative processes within the context of the global debate on international migration and development, we would be grateful if you would circulate the present letter and its annex as a document of the sixty-first session of the General Assembly for consideration under agenda item 55 (b).

(*Signed*) Robert **Hill**
Ambassador and Permanent Representative
Australia

(*Signed*) Rezlan Ishar **Jenie**
Ambassador and Permanent Representative
Republic of Indonesia

06-55237 (E) 061006

**Annex to the letter dated 28 September 2006 from the Permanent Representatives of Australia and Indonesia to the United Nations addressed to the Secretary-General**

# BALI PROCESS STEERING GROUP CO-CHAIRS - AUSTRALIA and INDONESIA - CONTRIBUTION TO THE HIGH-LEVEL DIALOGUE ON INTERNATIONAL MIGRATION AND DEVELOPMENT

## I. BACKGROUND

Recognizing the importance of addressing the issue of International Migration and Development comprehensively, Australia and Indonesia, in their capacity as Co-Chairs of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, welcome the convening of the first United Nations High-Level Dialogue on International Migration and Development in New York on 14-15 September 2006 as outlined in UNGA Resolution 60/227 'International Migration and Development'.

2. The Bali process, consisting of over 50 countries from the Asia-Pacific region and beyond, together with numerous international agencies, fully recognises that the issue of people smuggling and trafficking in persons has become a major concern not only to countries in the Asia and Pacific region, but also to the international community as a whole. Such activities not only erode states' capacity to protect their borders but cause significant political, economic, social and security challenges. The Bali process recognises that poverty, economic disparities, labour market opportunities and conflict are major causes contributing to the global increase in people smuggling and trafficking in persons.

3. In this light, the Governments of Indonesia and Australia, taking into account the need for collective measures, continue the role of Co-Chairs of the Bali process and, in conjunction with an officials' level steering group comprising New Zealand and Thailand, the International Organization for Migration and the United Nations High Commissioner for Refugees, have maintained this forum for dialogue, coordination and cooperation among relevant ministries and stakeholders since the first Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime held in Bali, Indonesia, in 2002. This inaugural Bali Ministerial Conference outlined a blueprint for coordinated regional action to combat people smuggling and trafficking in persons, and to address challenges presented by unregulated migration and its impact on society. Continuing this political momentum, the second Bali Regional Ministerial Conference, also held in Bali, in 2003, further promoted efforts to combat people smuggling, trafficking in persons and related transnational crime by forging greater regional and inter-regional cooperation, including knowledge sharing, networking, and strengthening border control management and facilities.

4. Activities undertaken by the Bali process are practical, targeted and focused on capacity building through the involvement of operational level officials representing justice, law enforcement, immigration, foreign affairs and other key agencies involved in combating people smuggling, trafficking in persons and related transnational crime. Workshops and related activities are highly participatory and are designed to achieve practical outcomes that will contribute to tangible results at the national and regional level in the effort to combat these transnational crimes.

5. Areas addressed by the Bali process include developing more effective information and intelligence sharing; improving cooperation among regional law enforcement agencies to deter and combat people smuggling and trafficking networks; enhancing cooperation on border and visa systems to detect and prevent illegal movements; increasing public awareness; enhancing the effectiveness of return as a strategy to deter people smuggling and trafficking including through conclusion of appropriate arrangements; enacting national legislation to criminalise people smuggling and trafficking in persons, among others.

6. The next activity on the Bali process forward agenda is a workshop on victim-centred approaches to trafficking in persons to be hosted by Indonesia, and co-chaired by Australia, in Bali, 7-9 November 2006. This workshop will include all Bali process states.

7. The Bali process website (www.baliprocess.net) provides information on the Bali process and is currently being developed as a tool for exchange of best practices for capacity-building, including providing model agreements and operational information.

## II. KEY OBJECTIVES, DIRECTIONS AND LESSONS FOR THE BALI PROCESS

8. At the two Bali Ministerial Conferences, Ministers from Bali process states agreed to the following specific objectives for the Bali process:

- the development of more effective information and intelligence sharing;
- improved cooperation among regional law enforcement agencies to deter and combat people smuggling and trafficking networks;
- enhanced cooperation on border and visa systems to detect and prevent illegal movements; increased public awareness in order to discourage these activities and warn those susceptible;
- enhanced effectiveness of return as a strategy to deter people smuggling and trafficking through conclusion of appropriate arrangements;
- cooperation in verifying the identity and nationality of illegal migrants and trafficking victims;

- the enactment of national legislation to criminalise people smuggling and trafficking in persons;
- provision of appropriate protection and assistance to the victims of trafficking, particularly women and children; and
- enhanced focus on tackling the root causes of illegal migration, including by increasing opportunities for legal migration between states.

9. A 2004 meeting of senior officials from Bali process states noted that the Bali process could best add value particularly in the following key areas:

- regional law enforcement cooperation, including on border controls;
- regional training for law enforcement officers in dealing with the victims of trafficking and in combating trafficking;
- public awareness of people smuggling and trafficking;
- child sex tourism;
- mutual assistance and extradition;
- development of policy and/or legislation on lost and stolen passports; and
- targeting people smugglers and traffickers.

10. A primary achievement of the Bali process has been the development of an enabling environment for practical cooperation and a more integrated approach to cooperation in a range of regional forums and in bilateral relationships within the region. Additionally, cooperation on migration issues has complemented and enhanced regional cooperation on related challenges such as the fight against terrorism. A key element to achieving progress is the involvement of expert level officials. This has been the best way to achieve practical outcomes across a range of areas including:

- the development of model legislation for member countries to use in drafting domestic laws to criminalise people smuggling and trafficking in persons;
- greater cooperation among regional law enforcement agencies to deter and combat people smuggling and trafficking networks;
- greater cooperation on border and visa systems to detect and prevent illegal movements and cooperation to verify the identity and nationality of illegal migrants;
- raising public awareness of the risks becoming involved in these activities; and
- enhanced cooperation in relation to the return of those smuggled persons found not to be refugees.

11. Bali process states have also learned to appreciate the value of having the International Organization for Migration (IOM) to assist in building capacity to combat people smuggling and trafficking in persons. IOM has a great breadth and depth of experience on migration matters. Participating states also greatly appreciate the role and involvement of UNHCR in the Bali process.

## III. CONTRIBUTIONS BY THE BALI PROCESS CO-CHAIRS — AUSTRALIA & INDONESIA — TO THE HIGH-LEVEL DIALOGUE

12. As mentioned in the Secretary General's report A/60/871, regional consultative processes play an important role in formulating a global migration dialogue. Acknowledging the High-Level Dialogue as an opportunity to forge greater cooperation and coordination at the international level, the Bali process is honoured to present the following to the High-Level Dialogue:

(i) Within the Asia-Pacific region, there is a need for states of the Bali process to improve the quality of data collection and sharing arrangements to further international cooperation to counter trafficking in persons and people smuggling. The availability of meaningful data on migration is an essential element in the development of an effective migration policy framework. Presently, this is limited by the lack of comprehensive and accurate data sources.

(ii) Regional Consultative Processes remain the most effective way for states to cooperatively combat trafficking in persons and people smuggling. They are also helpful for officials to network on broader international migration issues.

(iii) Coordination and consultation between relevant international and regional organizations should be encouraged to avoid duplication and maximize resources. The High-Level Dialogue should consider establishing mechanisms for regional consultative processes to conduct inter-regional meetings to exchange best practices.

(iv) The High-level Dialogue on International Migration and Development should consider follow up activities at the global level that complement efforts of governments at the regional level to ensure a coordinated and comprehensive approach in combating people smuggling and trafficking in persons. Hence, regional processes and consultations should be supported by international efforts. For example, the model legislation developed by Bali process states to criminalise people smuggling and trafficking in persons is consistent with the relevant United Nations General Assembly Resolutions, and the United Nations Convention against Transnational Organised Crime, in particular its two protocols on human trafficking and people smuggling.

13 September 2006
New York